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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,200	08/07/2001	Quintin T. Phillips	10002608-1	2177

7590

04/22/2003

HEWLETT-PACKARD COMPANY
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EXAMINER

BEATTY, ROBERT B

ART UNIT

PAPER NUMBER

2852

DATE MAILED: 04/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/924,200

Applicant(s)

PHILLIPS ET AL.

Examiner

Robert Beatty

Art Unit

2852

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8,9 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8,9 and 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

1. The request for a continued prosecution application (CPA) under 37 CFR 1.53(d) filed on 4/2/2003 is acknowledged. 37 CFR 1.53(d)(1) was amended to provide that the prior application of a CPA must be: (1) a utility or plant application that was filed under 35 U.S.C. 111(a) before May 29, 2000, (2) a design application, or (3) the national stage of an international application that was filed under 35 U.S.C. 363 before May 29, 2000. *See Changes to Application Examination and Provisional Application Practice*, interim rule, 65 *Fed. Reg.* 14865, 14872 (Mar. 20, 2000), 1233 *Off. Gaz. Pat. Office* 47, 52 (Apr. 11, 2000). Since a CPA of this application is not permitted under 37 CFR 1.53(d)(1), the improper request for a CPA is being treated as a request for continued examination of this application under 37 CFR 1.114. *See id.* at 14866, 1233 *Off. Gaz. Pat. Office* at 48.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 8-9 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 8 and 11 depend from canceled claims.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3,6,11-14,16,19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsunaga (JP#04-184464).

Matsunaga teach an imaging system comprising a plurality of consumable replaceable toner cartridges 5A, 5B, 5C, and 5D which are insertable into an opening (no reference numeral) in the imaging system via a guide and gear system 10A-10D and 23,22,19. The plurality of cartridges are mounted in a rotatable carousel having a door 30. If a toner end detection is detected via sensor 24,25, a cartridge is automatically ejected out of the image forming system from the opening. An access door 30 which is openable and closable is provided remote from the actual opening in which the toner cartridges pass. As seen in Fig. 6, the toner cartridge is guided into position through the opening with the access door in the closed position.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-5,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsunaga (JP# 04-184464) in view of Tani et al.

Matsunaga taught supra discloses everything claimed except a display which will display the toner end signal. Tani et al. teach an imaging system having a replaceable toner cartridge 27 insertable into an opening 23a. When it is detected by a sensor 22 that a toner is nearly depleted, a message on a display will inform the operator to supply toner. It would have been obvious to one of ordinary skill in the art at the time the invention was made to display a toner end signal to the operator because the operator can be informed of the status of the imaging system.

5. Claims 1,6,8-9,13,16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitajima et al. in view of Kasamura et al.

Kitajima et al. teach an imaging system comprising a plurality of replaceable toner cartridges 1, a plurality of openings 2, and guides (such as the walls of the openings) which guide the cartridge into an in-use position. Access doors 100b are openable and closable so as to gain access to the image forming parts and is completely unrelated to the toner cartridge loading system. The toner cartridges are configured to be loaded while the access door is in the closed position. Specifically, Kitajima et al. teach everything claimed except the cartridges and openings having registration key/fin mechanisms which allow an appropriate cartridge to be loaded. Kasamura et al. teach an imaging system having a replaceable toner cartridge 32

which is insertable into an opening 23a in the imaging system. The cartridge has a fin 33 which mates with a slot 24 of the opening so that an appropriate cartridge can be inserted into the system. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cartridges in Kitajima et al. with the fin/slot mechanism in Kasamura et al. because containers having different color toner can always be inserted in the correct dispensing location.


6. Applicant's arguments filed 4/2/2003 have been fully considered but they are not persuasive.

Applicant argues that the base reference Matsunaga (JP) does not teach a "guide assembly adapted to guide the consumable-containing cartridge to an in-use position within the cartridge holding assembly". The examiner does not agree. It is believed that Matsunaga teach a consumable-containing cartridge 5A-5D and a cartridge holding assembly which includes a cover 30 which can be opened and closed, a guide tray 10A-10D which receives a cartridge and when rotated to a correct position will allow the cartridge to be guided to an in-use holding position via a gear assembly 22,23. Thus there is a guide assemble which receives the cartridge and further which moves and guides the cartridge to an in-use position holding position (i.e. a developing position). It might be helpful to have a telephonic interview before the next response due.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Beatty whose telephone number is 703-308-1372. The examiner can normally be reached on M-F from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley, can be reached on (703) 308-1373. The fax phone number for the organization where this application or proceeding is assigned is 703-308-3431.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.



Robert Beatty
Primary Examiner
Art Unit 2852

April 21, 2003